

ANE ACT AGAINST ALL VN- lawfull Alienations, made by Dyvours and Banck-rupts.

Apud Edinburgh xij die mensis Iulij 1620.

THE LORDS of Counsell and Session, Understanding by the greivous and just Complaints of many of his Majesties good Subjects, that the Fraud malice and falsset, of ane number of Dyvours and Banck-rupts is become so frequent and avowed; And hath alreddie taken such progresse to the overthrow of many honest mens fortunes and estate, as it is liklie to dissolve Trust, Commerce, and faithfull Dealing amongst Subjects: Wherevpon must ensue the ruine of the whole Estate, If the godlesse deceits of those bee not prevented and remedied; who by their apparant wealth in lands and goods and by their show of conscience credite and honestie, drawing in their hands vpon trust money marchandize and goods of weell meaning and credulous persons doe no wayes intend to repay the same, but rather to live rycetouslie by weasting of other mens substance, or to enrich them selves by that subtilie stouth of trew to draw them selves and their goods forth of this Realme to elude all execution of Justice: And to that effect, and to their Creditours doe make simulat and fraudfull alienations dispositions and others securities, of their lands reversions debts and others belonging to them, To their wyfes, children, kinnes-men, allyes, and others confident and interposed persons, without any trew lawfull or necessare cause, and without any just or trew pryce intervening in their saids bargains; Wherety their just Creditors, and Cautioners, are falslie and godleslie defrauded of all payment of their just debts, and many honest families licklie to come to vtter ruine. FOR Remeid whereof the saids LORDS according to the power given to them by his MAJESTIE and his most Noble Progenitors to set doune orders for administration of Justice, meaning to follow and practize the good and comendable Lawes Civile and Canone, made against fraudfull alienations in prejudice of credifors, and against the Authors and part-takers of such Fraude.

STATUTS Ordeins and Declares, That in all actions and causes depending or to bee intended by any trew Creditor for recoverie of his just debt or satisfaction of his lawfull action and right: They will decreet and determe all alienations, dispositions, assignations, and translations whatsoever, made by the Debtor of any of his lands teynds reversions actions debts or goods whatsoever, to any conjunct or confident person without trew just and necessar causes, and without any just pryce really payed the same being done after the contracting of lawfull debts from trew creditors: To have beine from the beginning, And to be in all tyme coming Null and of none awaill, force nor effect; At the instance of the trew and just Creditor, by way of action, exceptiō, or reply, without forder Declarator. And in case any of his MAJESTIES good Subjects (no wayes part-takers of the saids Fraudes,) have lawfullie purchassed any of the said Banck-rupts lands, or goods, by trew Bargaines for just and competent pryces, or in satisfaction of the lawfull Debts, from the interposed persons trusted by the saids Dyvours. In that case the right lawfullie acquyred by him who is no wayes part-taker of the Fraude, shall not bee annulled in manner foresaid. But the receaver of the pryce of the saids lands goods and others from the Buyer, shall bee holden and obliged to make the same forth-comming to the behoove of the Banck-rupts trew Creditors, in payment of their lawfull Debts. And it shall bee sufficient probation of the Fraude intended against the Creditors, if they or any of them shall be able to verifie by writte or by oath of the partie receaver of any Securitie from the Dyvour or Banck-rupt, that the same was made without any trew just and necessare cause, or without any trew and competent pryce; Or that the lands and goods of the Dyvour and Banck-rupt being sold by him who bought them from the said Dyvour, the whole or the most part of the pryce thereof was converted or to bee converted to the Banck-rupts profite and vse. Provyding always that so much of the saids lands and goods or pryces thereof so trusted by Banck-rupts to interposed persons as hath beine really payed or assigned by them to any of the Banck-rupts lawfull Creditors shall bee allowed to them, they making the rest forth-command to the remanent Creditors who wants their dew payments. And if in tyme coming any of the saids Dyvours or their interposed part-takers of their Fraud, shall make any voluntare payment or right to any person in defraud of the lawfull and more tymelie diligence of any other Creditor, having served Inhibition, or used Horning, Arrestment, Comprysing, or other lawfull meane dewlie to affect the Dyvours lands or goods or pryce thereof to his behoove: In that case the said Dyvour or interposed person, shall bee holden to make the same forth-command to the Creditor, having used his first lawfull diligence, who shall lyke wayes be preferred to the Con-creditor who being posterior to him in diligence, hath obtained payment by partiall favour of the debtor, or of his interposed confident: And shall have good action to recover fro the said Creditor that which was voluntarie payed in defraud of the perschuers diligence. Finalie the LORDS declares all such Banck-rupts and Dyvours and all interposed persons, for covering or excusing their Fraudes, and all others who shall giue counsell, and wilfull assistance to the saids Banck-rupts, In the devysing and practizing of their saids Fraudes and godlesse deceits, to the prejudice of their trew Creditors, shall bee repute and holden dishonest, false, and infamous persons, incapable of all honours, dignities, benefices, and offices, Or to serve upon Inquests, or Assyses, Or to beare witnesse in Judgement or outwith in any tyme coming.

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